

## THE CASE FOR GEORGE FREDERICK BURCKHARTT AS DESIGNER OF THE GREAT SEAL OF MISSOURI

As we have met here today to dedicate a monument to George Frederick Burckhartt, one of the heros who braved the hardships of the wilderness and Indian warfare and played an important part in developing this community and founding our state, it is fitting that his deeds and important services should be recounted.

One of these services, probably his most important one, I have no doubt, was designing and writing the statute of the Great Seal of the State of Missouri.

The Seal was designed and the bill describing the design was written by someone in 1821, by Chauncy Smith of St. Charles County, chairman of a select committee that had been appointed for that purpose the previous November.<sup>1</sup> The bill was referred to the committee of the whole that day on motion of Mr. Smith,<sup>2</sup> taken up by the committee of the whole January 8th,<sup>3</sup> and favorably reported to the House. On January 9th the bill was read the third time and passed.<sup>4</sup> On the same day the bill was sent to the Senate, the rules were suspended and the bill was read three times and passed.<sup>5</sup> Two days later, January 11, it was signed by the Governor. Five days later the law was printed in the St. Louis Gazette together with an explanation of the terms used in the law.

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<sup>1</sup> Journal of House of Representatives, Second Session, First Legislature.

<sup>2</sup> Ibid. p. 150.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid. p. 184.

<sup>5</sup> Ibid. p. 186.

<sup>5</sup> Senate Journal, First Legislature, Second Session. p. 174.

This in brief is the story of the passage of the statute providing for the Great Seal of the State of Missouri. I shall follow it in more detail later.

There is not a single statement in the contemporary documents concerning the authorship of the law or the explanation of terms that appeared in the Gazette, January 16, 1822. It is very likely that the explanation of the terms used in the law were written by the author of the bill and given to Mr. Smith, who introduced the bill at the same time the bill was given to him.

But the fact that there is no mention of the author of a law is not surprising. In fact it is exactly what is to be expected, providing the man who introduced the bill was not its author. The records usually show who introduced a bill. The inference is that the one who introduces a bill is the author, and a statement that someone other than the introducer is the author would hardly be courteous. In fact, such statements do not appear in the records. But we all know that bills are frequently written by persons not in the legislature. In fact, a great many important bills have their origin that way.

It was generally understood that John M. Atkinson, Attorney General, wrote the statute creating the Missouri Public Service Commission at the request of Governor Majors. I have no doubt that Mr. Atkinson wrote the bill but I doubt if there is, even in this age of much printing and numerous documents, one particle of documentary evidence that Atkinson wrote the Public Service Commission Law.

A great many of the laws passed in Missouri in recent years were written by parties not members of the State Legislature, and there is no documentary evidence as to who wrote them. For example, the present physical education law, the High School Teacher Training Law, various school laws providing for consolidation of rural districts and many others.

In fact, it has become so common for persons not members of Legislatures to write bills for members that in some states, Legislative Reference Bureaus have been established to furnish information and write bills for members.

Such service is much more necessary when the bill is dealing with some technical subject that requires special knowledge. The Seal Bill was such a bill.

It appears then that it would be perfectly natural for someone who had a knowledge of heraldry, the specific knowledge necessary in designing seals and "Coats of Arms," to be requested to write the bill providing for the Great Seal of the State. If such request were made it would not likely be mentioned in any documents or in the current newspapers.

There are frequently laws that are necessary, especially in organizing a new government, in which there is little popular interest at the time. Such laws would attract little attention in the press. The law providing for the State Seal was such a law.

The people, and consequently the legislators were greatly interested in 1820 to 1822, in the organization of the new government, in forming new counties, in the location of their permanent seat of government, in public lands, in school lands, in revenue measures, in the salaries of public officials,

in patronage and many things of that nature. Practically all legislators thought themselves capable of dealing with all these problems, but most of them knew little or nothing of heraldry, seals, and coats of arms, and had no reason for becoming interested in such things.

The first session of the General Assembly failed to provide a state seal. Their time was taken with the election of United States Senators, the creation of new counties, and other work of that kind. A hurried effort to provide for a seal was made in the closing days of the session, but from what we know of the proposal it was probably fortunate that it did not succeed.

Before taking up directly Burckhardt's case as designer of the Seal it seems best to set forth the documentary evidence bearing upon the origin of the Great Seal of the State of Missouri. The first mention of a state seal occurs in the Constitution adopted in 1820. Article IV, Section 22, of that document reads as follows: "The secretary of state shall, as soon as may be, procure a seal of state, with such emblems and devices as shall be directed by law, which shall not be subject to change. It shall be called the 'Great Seal of the State of Missouri', shall be kept by the secretary of state, and all official acts of the governor, his approbation of the laws excepted, shall be thereby authenticated."<sup>6</sup>

Also Section 12 of the schedule of the Constitution of 1820 says: "Until a seal of state be provided, the governor may use his private seal."<sup>7</sup>

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<sup>6</sup> First Constitution of Missouri, Art. IV, Sec., 22.  
<sup>7</sup> Ibid, Schedule Section 12.

On September 21, after the first session of the First General Assembly had convened, September 18, 1820, Senator McGirk, of St. Louis County and Senator Barcroft, of Howard County, were appointed to a committee "to inquire into the expediency of providing by law, for the emblem and devices, which shall be used on the Great Seal of the State of Missouri, with leave to report by bill or otherwise."<sup>8</sup>

This committee reported a bill on October 2nd, which was referred to a select committee consisting of Mr. McGirk of St. Louis County, Mr. Barcroft of Howard County, and Mr. Moore of Ste. Genevieve.<sup>9</sup> October 13, Mr. McGirk reported the bill with out amendment. It was referred to the committee of the whole, where "Sundry Amendments" were added; reported back to the Senate which accepted the amendments and ordered the bill engrossed.<sup>10</sup> On October 18, less than a month after the committee was appointed, the bill was passed and the next day sent to the House by Senator McGirk and the concurrence of the House asked.<sup>11</sup> The next day, October 20th, after a motion by Mr. McFerron to table had been defeated the Senate bill was referred to a select committee composed of Henry S. Geyer, St. Louis County, John S. Ball, St. Louis County; and Joseph McFerron, of Cape Girardeau.<sup>12</sup> For a month the record is silent concerning this Senate bill. On November 21, Andrew S. McGirk, representative from Howard County (and so far as I can find, no relation of Senator McGirk of St. Louis County) offered a resolution that "The select committee to whom was referred the bill respecting the Seal

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<sup>8</sup> Senate Journal, First Session of First Legislature, p. 14.

<sup>9</sup> Ibid, p. 32 and 33.

<sup>10</sup> Ibid, p. 50.

<sup>11</sup> Senate Journal, p. 59.

<sup>12</sup> Ibid, p. 81.

of the State be instructed to make their report." The resolution was voted down.<sup>13</sup> The next day, November 22, Joseph McFerron, who was a member of the select committee and who had before the committee was appointed made the motion to table the Senate bill resigned his seat in the House.<sup>14</sup> November 27, "Mr. Geyer from the select committee to whom was referred the bill from the Senate entitled an act to provide for the Great Seal of the State, reported the same with sundry amendments thereto." The bill was read a first and second time and "committed to the committee of the whole."<sup>15</sup> Two days later the committee of the whole reported the bill favorably without further amendments. The bill was passed as amended by the select committee and returned to the Senate.<sup>16</sup>

One of the sundry amendments added by the select committee prescribed as an emblem, "a cock close armed resting on a shear of wheat."<sup>17</sup> The bill thus amended was passed by the House and returned to the Senate.<sup>18</sup> The Senate refused to concur in the House amendments; struck out the work cock and inserted the word eagle on motion of Senator Emmons of St. Charles County; returned the bill to the House and requested the House to recede from their amendments.<sup>19</sup> This the House refused to do and the next day, December 2nd, the Senate informed the House that it would not accept them.<sup>20</sup> This killed the Senate bill. On December 4th, Mr. Geyer, who had been chairman of the select committee that had amended the Senate bill moved the appointment of a select committee to bring in a bill providing for a State Seal. Mr. Geyer, of St. Louis County; Mr. Stephenson and Mr. Hudspeth, both of Washington

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<sup>13</sup> Ibid, p. 155.

<sup>14</sup> Ibid, p. 157.

<sup>15</sup> Ibid, p. 167.

<sup>16</sup> Ibid, p. 172.

<sup>17</sup> Senate Journal, pp. 145 and 146.

<sup>18</sup> House Journal, p. 172.



County were appointed. Immediately Mr. Geyer "reported a bill to provide for the Great Seal of the State of Missouri." It was read a first and second time and ordered engrossed.<sup>21</sup> The next day, December 5th, the engrossed bill was read a third time, passed and sent to the Senate.<sup>22</sup> December 6th, on motion of Senator Clark, the Senate took up the Geyer bill.<sup>23</sup> On motion of Mr. Bent the Senate rejected the bill by unanimous vote and there the seal matter was ended for that session.<sup>24</sup>

The Senate Journal contains some very interesting items concerning the Senate effort to provide a seal. It shows that on October 9th, on motion of Senator Emmons of St. Charles County, the Senate authorized the committee "to employ any assistance that may be necessary."<sup>25</sup> There is nothing in the Journal concerning who was employed or what assistance was rendered but there is an item in the Senate Journal date December 11th, 1820, that on motion of Mr. Emmons of St. Charles, the appropriation bill was amended as follows: "to G. Bassenett fifteen dollars for a model of the Great Seal of Missouri."<sup>26</sup> Evidently this model was made for the McGirk committee and probably used to illustrate the bill McGirk had introduced.

I have given all these details of the first attempt to enact a law prescribing the devices and emblems of the state seal in order to show several facts which I think have a bearing upon the case for George Frederick Burckhardt, as designer of the seal.

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<sup>19</sup> Senate Journal, p. 146.

<sup>20</sup> Ibid, p. 149.

<sup>21</sup> House Journal, p. 183.

<sup>22</sup> Ibid, p. 187.

<sup>23</sup> Senate Journal, p. 155.

<sup>24</sup> Ibid.

<sup>25</sup> Senate Journal, p. 155

<sup>26</sup> Ibid.

First: The attempt to enact the law at the first session was entirely in the hands of St. Louis and down-state men. Senator McGirk and Henry S. Geyer, the Senate and House leaders were both St. Louis men. With the single exception of Senator Barcroft of Howard County, who was a silent member of McGirk's committee, so far as the records show, all members of all select committees of the first session were from the east side of the state. This fact is significant for there was much rivalry and some feeling at that time between St. Louis and Howard counties; each county being supported by its neighbors.<sup>27</sup>

Most of the motions were made by men from the same section. The only exception was the motion by Andrew S. McGirk, Representative from Howard County, requiring Geyer's select committee to report the Senate bill. McGirk's motion was voted down.<sup>28</sup>

We know nothing of what this proposed seal contained except the absurd proposition of the Geyer committee to put a close-armed rooster on a bundle of wheat on the seal, and a hint that the Senate may have had an eagle on their design. This hint comes from an amendment to the Geyer bill offered in the Senate by Senator Emmons of St. Charles County. This amendment was to substitute "eagle" for "cock."<sup>29</sup>

With the adjournment of the first session on December 12, 1820, the work of providing a state seal passed from the St. Louis group to the upstate group led by Howard County men.

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<sup>27</sup> Shoemaker, Missouri's Struggle for Statehood, pp. 68-76, and 167.

<sup>28</sup> House Journal, p. 155.

<sup>29</sup> Senate Journal, pp. 145 and 146.

<sup>30</sup> Shoemaker, Missouri's Struggle for Statehood, p. 354.



Duff Green and Nicholas Burckhartt, brother of George Frederick Burckhartt were members of the Consitutional Convention from Howard County.<sup>30</sup> Of course they may or may not have had anything to do with the consitutional provision concerning the seal.

The second regular session of the first Assembly met November 5, 1821. Governor McNair in his message said, "Considerable inconvenience daily arises from the want of a seal of state, and I deem it proper to remind you of the necessity of supplying the deficiency at the present session."<sup>31</sup> The next day, November 4th, Duff Green of Howard County introduced a resolution that "so much of said message as relates to a seal of state be referred to a select committee." The resolution was passed and the same day the committee was appointed. This select committee consisted of Chauncy Smith of St. Charles County, James Alcorn and Elias Elston, both of Howard County.<sup>32</sup> The next reference to the seal in the records (House Journal, p. 150) show that on December 31 "Smith reported a bill prescribing the emblems and devices of the Great Seal of the State of Missouri, which was read a first time." The bill was passed to second reading and "on motion of Mr. Smith the rules of the House were dispensed with, the bill was read a second time, committed to the committee of the whole house and made the order of the day for tomorrow." On motion of Mr. Harris, of Howard County, it was ordered that the printing of the bill be dispensed with.<sup>33</sup>

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30 Shoemaker, Missouri's Struggle for Statehood, p. 354.

31 House Journal, First General Assembly, Second Session, p. 10.

32 Ibid, p. 17.

33 Ibid, p. 150.

This move of Mr. Harris who was a Howard County man and certainly a friend of the bill was doubtless to save time. The same day Smith introduced the seal bill the Senate sent to the House a resolution relative to adjournment. Smith moved it be indefinitely post-poned. His motion was voted down.<sup>34</sup> Then on motion of Thomas Rogers of Cooper County the Senate resolution was laid on the table.<sup>35</sup> That action would serve notice to the senate that the House had some legislation that must be passed before adjournment. The seal bill was a part of it.

Although the motion of Mr. Smith December 31st committing the seal bill to the committee of the whole made it the order of the day for tomorrow, the Journal does not show that the House was resolved into the committee of the whole to consider the seal bill until eight days later. The time of the House during that eight days was taken up with the organizing counties, land measures, and the state officer's salaries, and other similar matters. On January 8th on motion of Tyre Harris, of Howard County, "the House resolved itself into the committee of the whole and took under consideration a bill prescribing the emblems and devices of the Great Seal of the State of Missouri, and a bill supplementary to an act establishing loan offices, Mr. Allan in the chair,. After some time spent therein the committee rose and reported said bills with sundry amendments which were agreed to." "It was ordered that said bills be engrossed for a third reading on tomorrow."<sup>36</sup> (Notice the quotation says bills--not bill. I shall refer to that later.)

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34 House Journal, First General Assembly, Second Session, p. 153.

35. Ibid, p. 154.

36 Ibid, p. 184

"The engrossed bills prescribing the emblems and devices of the Great Seal of the State of Missouri and supplementary to establishing loan offices were severally read a third time and passed."<sup>37</sup> The same day the bill providing for the state seal was passed without amendment by the Senate<sup>38</sup> and two days later was signed by the Governor and became a law that could not be changed without first changing the constitution.

The records show that the second effort to provide a seal for the state was entirely in the hands of Howard County representatives with the exception of Smith of St. Charles, who was chairman of the select committee of three, the other two being Howard County men. Smith was a friend of Duff Green. He frequently served with Green and other Howard County men on the same committee.<sup>39</sup> St. Charles County, although close to St. Louis, was a North-of-the-River County and had the same interests that Howard and other pioneer counties had in the apportionment controversy with the older eastern and southern counties.<sup>40</sup>

Evidently, whether by agreement or not, the St. Louis group had turned the seal legislation over entirely to the Howard County group. Henry S. Geyer was Speaker of the House this session but if he took any part whatever in the seal statute the record is silent. As Speaker he had many important problems to look after. His effort to write a law providing for a seal the year before had failed and he was no doubt willing to give the job over to someone else.

37 House Journal, First General Assembly, Second Session, p. 184

38 Senate Journal, First General Assembly, Second Session, p. 174

39 House Journal, First General Assembly, Second Session, pp. 20, 26, 42, 75, 128.

40 Shoemaker, Missouri's Struggle for Statehood, pp. 69 and 75.

Senator McGirk of St. Louis County who had pushed the seal bill in the Senate the previous year had resigned before the first session closed to accept an appointment as Judge of the Supreme Court.

Thus both McGirk and Geyer had been placed in positions which took their time and attention for other things.

There was one note of interest and probably dissatisfaction in the records with the way the seal matter was being handled during the first session from a Howard County man. That was the motion of Andrew S. McGirk of Howard County that the Geyer select committee be required to report.<sup>41</sup> That may have been the beginning of the movement for the Howard County group to take over the designing of the seal. Many things happen which never get into the record, and we cannot now know McGirk's motive in offering this motion. Another fact from the Senate record shows that there may have been some interest in the seal among the upstate group usually led by Howard County men.

When the Geyer bill was sent to the Senate, Senator Clark of Cooper County representing the district composed of Howard and Cooper counties made the motion that the Senate take up the Geyer bill. The motion carried. The bill was read the first time and unanimously rejected.<sup>42</sup> Clark must have voted to reject the bill. Thus the way was cleared for someone else to prepare a design and write a bill for the state seal. This was done under the direction of the Howard County group some time between the adjournment of the first session, December 12, 1820, and December 21, 1821. Doubtless

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<sup>41</sup> House Journal, p. 155

<sup>42</sup> Senate Journal, p. 155.

Clark brought up the bill knowing that it would be rejected. The bill could have been permitted to die without action upon adjournment, which was near at hand. But evidently Clark wanted to serve notice on the author that his ideas of a seal were not satisfactory and he put every member of the senate on record against them because the Geyer bill was unanimously rejected.

There is nothing in either the Senate or House Journals directly stating the authorship of the bill, but such a statement is not to be expected.

There are a number of facts that may be used as circumstantial evidence together with other historic facts outside these journals that point to the authorship of the law describing the design of the Great Seal of the State of Missouri.

These facts point toward George Frederick Burckhardt as designer of the Great Seal of Missouri, and are in perfect harmony with the oral tradition that has come down to us from reliable sources that George Frederick Burckhardt did design the Seal and was author of the law prescribing the emblem and devices on the Great Seal. I do not know who designed the state seal, but it is my personal belief that George Frederick Burckhardt was the designer of the seal. This belief is based upon historic facts which tend to substantiate the truth of the Burckhardt tradition.

Let us examine these unquestioned historic facts. First: A representative of Howard County in Senate, Mr. Clark, of Cooper, took the lead in

definitely killing the Geyer bill, thus leaving the way open for someone else to work up a design for the seal.<sup>43</sup>

Second: Duff Green, of Howard County, an intimate friend of Burckhartt introduced the resolution November 7th, 1821 providing for a select committee to bring in a bill providing for a seal.<sup>44</sup>

Third: This committee probably appointed by the speaker, Mr. Geyer, consisted of Mr. Chauncy Smith of St. Charles County and James Alcorn and Elias Elston, both of Howard County.<sup>45</sup> James Alcorn was a close friend of the Burckhartt families and had lived in the same log fort with George Frederick Burckhartt's father, Christopher Burckhartt and his younger brothers, Nicholas S. and Joshua Hough Burckhartt during the war of 1812 before George Frederick came to Missouri.<sup>46</sup> (Atlas map of Howard County.)

Alcorn was also one of the leading members of the House. He was chairman of the important "Ways and Means" committee and served on numerous select committees.<sup>47</sup>

Fourth: This Committee, through its chairman, Mr. Smith, reported the seal bill December 31, 1821. It was read, passed the second reading under suspension of the rules and referred to the committee of the whole.<sup>48</sup>

43 Senate Journal, p. 155.

44. House Journal, First General Assembly, Second Session, p. 17

45 Ibid, p. 17

46 Atlas Map of Howard County.

47 House Journal, First General Assembly, Second Session. p. 11.

48 Ibid, p. 150



Fifth: On motion of Representative Tyre Harris, of Howard County, the printing of the bill was dispensed with.<sup>49</sup> This move of Mr. Harris was doubtless to save time as the session was nearing the close.

It should be stated here that Mr. Elston had been sick, and on motion of Mr. Harris had been granted leave of absence for the rest of the session.<sup>50</sup>

Mr. Harris seems to have taken up his work on the seal committee although no mention of the matter is made in the record.

Sixth: On motion of Mr. Harris, of Howard, the House resolved itself into committee of the whole on January 8, 1822 to consider two bills, one was the bill providing for the seal and the other was a bill having to do with loan offices. The record says bills and refers to them together. When reported them to the house the records says the committee "rose and reported said bills with sundry amendments."<sup>51</sup> The amendments may have all been to one bill. The clerks who made up the records abbreviated them so much that often it is difficult to understand what is meant for they were not very careful to use accurate English.

It is my opinion that these sundry amendments were made to the loan office bill, which all members could understand. They would not likely amend in any vital way a bill dealing with so technical a subject as armorial bearings and coats of arms. It has been said that there were only three members of that house capable of writing the bill. They were

49 House Journal, First General Assembly, Second Session. p. 134

50 Ibid, pp. 135, 137, and 149

51 Ibid, p. 184.

Henry S. Geyer, the Speaker; Marie P. Le Duc, a Frenchman from St. Louis County; and Duff Green,<sup>52</sup> and there is nothing to indicate that any of them except Duff Green took any interest in the bill.

Certainly to have amended the bill which represented a carefully thought out design by anyone other than the author would have ruined the whole thing. If there were any amendments to the seal bill, which I doubt, they were most likely written out by the author of the bill and given to Green, Harris, Alcorn, or some other friend of the bill and the author to introduce and were accepted as the work of the author, or some slight amendment that would not effect the sense of the text. Amendments of the first type are frequently made to bills. But they are usually written by the author of the bill or by some friend. That would be almost necessarily true of a technical bill couched for the most part in Latin terms.

Seventh: The bill was passed the next day after it was reported by the committee,<sup>53</sup> was sent to the Senate and passed under suspension of the rules on the same day without amendment.<sup>54</sup> This shows there could have been little debate. Both Houses must have trusted the author of the bill and the committee of the House that had approved and introduced it.

Eighth: The bill and explanation of terms was printed in The Gazette without mention of the author of either. If the author of either the bill or the explanation had been some member of the General Assembly his name would likely have appeared at least as author of the explanation.

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<sup>52</sup> Rader, Missouri Historical Review--April 1929, p. 448.

<sup>53</sup> House Journal, First General Assembly, Second Session, p. 186

<sup>54</sup> Senate Journal, First General Assembly, Second Session, p. 174.

But to have given the author of the explanation as someone other than a member of one of the Houses would have indicated that the bill was written by him and not by a member. That might be taken as a lack of courtesy to the members. Therefore noone was mentioned. That fact indicates to my mind that someone not a member of either house designed the seal and wrote the bill and the explanation of terms.

Ninth: The fact that Duff Green, and James Alcorn, two of the leading men in the House were very close friends of the Burckhartt family and especially George Frederick Burckhartt,<sup>55</sup> together with the fact that Burckhartt was well known to be a classical scholar,<sup>56</sup> interested in heraldry<sup>57</sup> and well know acquainted with heraldic language<sup>58</sup> at that time in the prime of life, being about forty years of

55 Duff Green and George F. Burckhartt were active leaders together in Howard and Chariton Counties from 1818 until Green left the Boonslick country. Burckhartt's handwriting may still be seen in the records of Howard, Chariton and Randolph Counties.

56 Mrs. Frances Markell, Frederick, Maryland, under date of September 14, 1931, to Mrs. Mary Miller Smizer says: "After going into this family and reading the different records they left, I am satisfied they were people of education. Not one deed did I read that was not signed in script. Many records are signed with a mark. Not so with the Burckhartts. I read seventy deeds.

The Burckhartt family lived at New Market, six miles from Fredericktown on the National Pike." There was a school at Fredericktown which the Burckhartts no doubt attended. Mrs. Markell also says, "it was the custom for the German immigrants to bring their ministers and school masters with them."

57 In Maryland the "Gentlemen Farmers" were much interested in family "coats of arms", seals, and "armorial bearing". The Burckhartt family seem to have had a special interest in such knowledge. Not only is George Frederick credited with having designed the state seal, but his son, Judge George Hobbs Burckhartt designed a seal for the Court at Moberly.

58 Rader: Missouri Historical Review, April 1929, p. 458. Mr. Rader says writing of George Frederick Burckhartt: "He was a classical scholar, interested in Heraldry and acquainted with Heraldic language. That much is not tradition, but well established."

age, points to him as the man outside the legislature whom Green and Alcorn would select to design the seal if they were selecting someone.

Tenth: The fact that Judge George H. Burckhartt, the son of George Frederick Burckhartt, stated on numerous occasions, both privately and publicly that his father, George Frederick Burckhartt, was the designer of the seal.<sup>59</sup> Mr. Perry Rader writing in the April number of the Missouri Historical Review says, "George Frederick Burckhartt was the father of Judge George H. Burckhartt, who for twenty-eight years was judge of the circuit composed of the counties of Howard, Randolph, Boone and Calloway. Judge Burckhartt often asserted, publicly and privately, that his father was 'the designer of the seal,' and in his old age took particular care to lodge that statement in the minds of his younger relatives and to urge them to claim the honor for his father. About the time of his death, which occurred about 1891, articles appeared in newspapers published in Fayette, Moberly, Boonville, Keytesville, and other towns, in which it was stated that George Frederick Burckhartt was the 'designer of the seal', and there are many letters extant, some of them written fifty years ago, in which occurs the same statement. He was for some years a citizen of Randolph County and old citizens of that county long after his death, which occurred in 1864, stoutly asserted that he was 'the designer of the seal', and such is still the current belief among the old families." <sup>60</sup>

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59 Missouri Historical Review, April 1929, p. 459.

60 Ibid.

I have tried to verify the statement of Mr. Rader quoted above and have succeeded so far as old citizens asserting that the tradition was true.

However, as to published accounts of the tradition in the nineties about the time of Judge Burckhardt's death, I have failed to find a single article. Several of these papers have had all Missouri articles carefully indexed by the State Historical Society. Not a single article concerning George F. Burckhardt and the seal appears in the nineties. I have carefully scanned the pages of some of the papers myself without finding a single article.

I have letters from the editors of all the other papers of the district whose files cover the period and none of them were able to find an article about the time of Judge Burckhardt's death which mentioned the tradition that his father had designed the seal.

The first newspaper article that I have been able to find concerning the Burckhardt tradition was an article entitled "The Missouri Seal" which appeared in the Columbia Daily Herald of November 30, 1906. The Herald was edited at that time by Walter Williams, now president of Missouri University. The article was reprinted in the Boonville Weekly Advertiser, December 7, 1906, and the Fayette Howard County Advertiser, December 13, 1906. The article in this paper is preceded by the words, "By Walter Williams". President Williams is one of the most careful Historians of Missouri and always has good authority for

what he writes. He told Mrs. Smizer that he thought he got his information from Secretary of State Leisseur, and that Leisseur obtained it from Lieutenant-Governor Thomas C. Reynolds. The Article in the Herald follows:

#### THE MISSOURI SEAL

George Burckhartt, then of Howard County, mother of Missouri counties, was the father of the coat-of-arms of Missouri. Thus the tradition runs in Howard County. Of written record there is none. Burckhartt was a Marylander by birth. His father, Christopher F. Burckhartt, who had fought in the war of the Revolution, under Washington, came to Missouri in 1811. The son stopped on the way to fight in the second war with England under General, afterward President, William Henry Harrison. The war over, George Burckhartt married a Kentucky girl and moved to Missouri.

Howard county sent him to the first Missouri legislature. He was of high intelligence and liberal education and the suggestion of the coat-of-arms, the state seal, came from him. Mr. Burckhartt was the father of George H. Burckhartt, long a circuit judge in the Randolph county circuit. A granddaughter, Mrs. A. J. Miller, now lives at Sumner.

Missouri has no state flag and no state flower. Its state seal, however, thanks to the erudition of Mr. Burckhartt and his co-laborers, is worthy the commonwealth. The legislature which adopted the seal did not call it a seal but used the more ambitious title "armorial achievement."



The Burckhartt law which established the great seal runs thus:

(Then the law is quoted.)

This article appears to be the source of all other articles that appeared later concerning Burckhartt and the state seal.

Eleventh: The fact that the tradition strongly supported exists as follows: That George Frederick Burckhartt, of Howard County, was asked to design a seal for the state of Missouri. Some versions have it asked by the legislature, others that he was asked by a select committee and still others that he was asked to design the seal without stating by whom he was asked. That he agreed to do so providing he could be given time to do it properly. Some versions say that he asked for and was granted a year; that it was arranged for him to have the necessary time; that he designed the seal (that is, wrote the bill describing the emblems and devices of the great seal); that it was introduced in the House and passed both the House and Senate just as Burckhartt wrote it.<sup>61</sup>

This tradition is an old tradition. It has appeared various places in print during the past quarter century.<sup>62</sup> There are many people now living who say they heard essentially the tradition as stated above more than half a century ago.<sup>63</sup>

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61 Smiser Collection, Letter from W. C. Knaus. Date October 25, 1928. Also letter from Mrs. George Ella Burckhartt Miller, May 21, 1928.

62 Columbia Herald, November 30, 1906.

63 Smiser Collection. Contains letters from W. C. Knaus, Mrs. Ella B. Miller, Mrs. Ella B. Jackson, Betty Talbot, and W. C. McCavock, relating conversation with R. F. Crews, 93 years old.

The story as told by different people do not agree in detail but they do agree in essentials. Disagreements, variations, and errors in details and non-essentials are the strongest proof of the truth of a tradition.

All versions of the tradition that mention that part agree that Burckhardt was asked to design the seal for the state. Some say he was asked to design the seal for the state. Some say he was asked by the legislature, some say by a select committee and some simply say he was asked to design the seal.

Such variations are perfectly natural in a truthful tradition. They indicate that there has been no collaboration among those who have made the statements. If the tradition were not true, those responsible for its propagation would have been very careful to see that the story fitted in with every detail of the record. But such is not the case with the seal tradition.

May I repeat that this fact of variations in a tradition is accepted by the rules of Historical Criticism as the very best evidence of the truth of tradition.

One version of the printed tradition is the one that appeared in the Kansas City Post in 1919 and was copied in the Missouri Historical Review of October 1919 without comment. This article says: "When Missouri was admitted into the Union the powers were then required to select a man, "

a honest man, a man of great learning, --to get up a device and motto for the state of Missouri. George Burckhartt was chosen for that work. He was chosen because he was honest, because he was wise and because he was learned, he being one of the best educated men in our then infant state."

"Mr. Burckhartt took the matter under advisement, and after spending much time and labor produced the device of the crescent, the bears and the beehive, with the motto 'Salus populi suprema lex esto', and it was adopted as the official seal of the state."<sup>64</sup>

There is no indication in the Review as to who wrote this article which the Review copied from the Post.

The article contains an inexcusable error made either by the author or by some careless copyist who knew nothing about the seal. The statement is made that Mr. Burckhartt--"produced the device of the crescent, the bears and the beehive." The most casual observance of the seal or reading of the law will convince anyone that there is no beehive connected with the seal in anyway. This error doesnot invalidate the Burckhartt tradition, but showsthat someone had heard or saw an account of the tradition and was trying to reproduce it. I wrote the Post to find who the author was, but was told they could not find out.

The tradition as understood by the relatives and friends of George F. Burckhartt is stated in the following quotations from letters received

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<sup>64</sup> Missouri Historical Review. Vol xiv. p. 103.

by Mrs. Mary Miller Smiser, great granddaughter of George Frederick Burckhardt. Mrs. Smiser has spent much time and effort in collecting data concerning the designing of the seal.

Mr. W. C. Knaus says, "Replying to your inquiry with reference to Uncle George Burckhardt, desire to say that I knew him well, his familiar face and figure being among my earliest recollections in about the village of New Franklin till my 21st year, when as you state he died in 1864.

Yes, beyond any doubt he was the designer of the Missouri State Seal. As a member of the legislature he was requested by that body to originate the seal. I remember well hearing him tell my father all about it; how he asked and was granted a years time for consideration of the matter; when he reported at the end of the year the seal was accepted without any change, many times 'from away back' the historic event has appeared in public print. He was a man of learning, of very general, even wide intelligence, his character commanding universal respect, a kindlier man one of us then knew." <sup>65</sup> (Letter from W. C. Knaus to Mrs. Smiser dated Springfield, Missouri, October '28, 1928.)

Mrs. Ella Burckhardt Jackson says: "In answering your letter concerning the design of the Missouri State Seal I want to say that I have often heard my father, George Hobbs Burckhardt, tell me his father, George Frederick Burckhardt, designed the seal of Missouri. I am his granddaughter." <sup>66</sup> (Letter from Ella Burckhardt Jackson to Mrs. Smiser June 6, 1928.)

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<sup>65</sup> Smiser Collection.

<sup>66</sup> Ibid.

Bettie Talbot says, "I want to say to you that Judge Burckhartt once said to me when I was quite a young girl; 'Now, Betty, I want you to know that my father and your Uncle George did get up the device and motto of the coat of arms of Missouri.' He said, 'you will hear a lot about this perhaps when I am gone, but you just know that he did it for I know. Your father knows too.' He was so earnest that it impressed me."<sup>67</sup> (Letter from Bettie Talbot to Mrs. Smiser, May 4, 1928.)

Mr. W. C. McGavock says: "In conversation with my uncle, Richard F. Crews, at his farm home southwest of Columbia, Missouri, he said he lived near New Franklin, Missouri from 1858 to 1862 and that he knew George F. Burckhartt, who had represented Howard County in the state legislature. He claimed that Mr. Burckhartt was known at that time as designer of the seal of the state of Missouri and that he was told of this by citizens of New Franklin and community, and that probably Mr. Burckhartt himself had told him that he was the designer of the seal."-- "Mr. Crews is 93 years old, well preserved in mind and body with a memory that is remarkable."<sup>68</sup> (Letter from W. C. McGavock to Mrs. Smiser June 8, 1928.)

Mr. W. T. Dameron of Huntsville, Missouri in a statement made June 7, 1928 says: "This is to certify that I have heard old settlers of this, Randolph County, state that George Frederick Burckhartt was the designer

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<sup>67</sup> Smiser Collection.

<sup>68</sup> Ibid.

of the seal of the state of Missouri. This is generally understood, or was many years ago to be a fact, though I have no proof of this."<sup>69</sup>

Miss Bettie C. Burckhardt who is also present and who is a granddaughter of Nicholas S. Burckhardt and, therefore, a great niece of George Frederick Burckhardt told me in a recent conversation that her father, Mathias Nicholas Burckhardt, was born in 1823, that his father, Nicholas S. Burckhardt, died when he was ten years of age. He looked to his uncle, George Frederick Burckhardt, for guidance and advice as a father. Miss Burckhardt stated to me that she had heard her father say many times that his Uncle George Frederick Burckhardt was the designer of the state seal. That he had heard his uncle George say that he had designed the seal and that the House had, after a hard fight, adopted the design just as he proposed it.

Mrs. George Ella Burckhardt Miller, Mother of Mrs. Smiser, and granddaughter of George Frederick Burckhardt, writing to Mrs. Smiser May 2, 1928 among other things says: "I remember distinctly of my father and grandfather talking over the early settlement of the county and adjoining counties of Howard and Chariton also. I have always cherished the thought that Grandfather George Frederick Burckhardt was a patriotic citizen of the same caliber of the men who signed the Declaration of Independence. His father, Christopher F. Burckhardt, was a tried and gallant soldier of the Revolutionary War. Grandfather's intelligence placed

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him first in political organizations. He was deeply interested in things relative to governmental affairs"--"Grandfather George Frederick Burckhartt would visit Uncle George Burckhartt of Huntsville and he and Uncle George would drive out to visit my father. It was then I remember hearing grandfather and his sons discussing the affairs of state and legislature in an early day. Grandfather told of the origin of the coat-of-arms of the state of Missouri of the State Seal. When grandfather came the darkies would take the carriage and horses to the stable. The men sat about and visited. We children were near to hear the interesting stories they told of their early experiences in the new country, for great grandfather had brought his family to Missouri and settled near St. Louis in 1802. Grandfather built the first house in New Franklin, Howard County. Grandfather was a pleasant old gentleman, jovial and kind hearted. He had a good word for old and young. Those were happy days in the old home."<sup>70</sup>

Mrs. Miller, who wrote the letter from which the above is quoted May 21, 1928, is here today. She is now eighty-one years old and was fourteen years of age when her grandfather George Frederick Burckhartt died. Thus you see we have here present today a capable intelligent person who heard the story of the designing of the state seal from the lips of the designer George Frederick Burckhartt.

Such is the Burckhardt tradition and the facts of the record which I think strongly support the tradition.

Based upon the facts as gleaned from the record I think the story of the seal is about as follows:

There were fifteen or sixteen members of the legislature from Howard and Cooper County in the first session of the General Assembly that adjourned in St. Louis December 12, 1820. Travel in those days was easier on the river than by land. It is, therefore, likely that these fifteen or sixteen representatives and senators from the Boonslick country traveled together up the Missouri river by boat to Boonville. If so they had plenty of time to talk over the affairs of the recent Assembly, and to lay plans for completing the work of legislation that was left over until the next session.

If such conversations were carried on the seal would be a most likely subject of conversation. We have seen that Senator Clark just six days before the legislature adjourned had called up the Geyer Seal Bill to get it definitely killed. Alcorn and probably others may have suggested Burckhardt as a proper person to design the seal. These men or some of them with the approval of the rest likely saw Burckhardt on their arrival at Franklin and asked him to prepare a design for a state seal. Such a request would be a most natural one to come from Alcorn who had proven himself one of the important members of the previous session and who was a close friend of Burckhardt. Such a request would tally with the tradition that Burckhardt was asked to get up a design for a seal.

Such a request might have been made at this time or it might have been made after the special session called the next June to pass the Solemn Public Act. Duff Green had been elected to fill the place of Ray who had died during the first session. If the request were made by Alcorn or someone else in December 1820, which I think most likely, it is safe to say that Duff Green who was a good friend of both Alcorn and Burckhardt knew about it. During the special session in June 1821 a number of members, among them Henry S. Geyer submitted bills intended to comply with the act of Congress requiring the Missouri legislature to pass the Solemn Public Act. The bills and resolutions were referred to a select committee of which Alcorn was a member. This committee reported the Geyer bill. In the debate in the House which followed Alcorn and Duff Green were among the strongest supporters of the Geyer Bill.

Geyer was unanimously elected speaker of the next session.<sup>71</sup> Alcorn was made chairman of the important Ways and Means Committee.<sup>72</sup> Duff Green received many important assignments and became one of the most active members of the House. Evidently Geyer and his St. Louis following had come to agreement with the upstate group led by Alcorn and Duff Green. Thus when the second regular session convened the House was organized by this combination and worked smoothly.

Among the measures taken up at the first session was the seal. Duff Green moved the appointment of a select committee to bring in a bill. Alcorn and Elston of Howard County were appointed along with Smith of

St. Charles. From the Journal record it is evident that Smith was working with the Geyer, Green, Alcorn combination.<sup>73</sup>

On December 31, more than a year after the first session of the legislature adjourned, this committee reported the bill which Burckhardt had drawn for Alcorn, Green and the other Howard County Legislators. It was pushed through the House as described above by the select committee, Tyre Harris of Howard taking the place of Elston who had been granted a leave of absence for the remainder of the session on account of sickness.

Such is the story of the designing of the Great Seal of Missouri according to the records and to the well authenticated Burckhardt tradition. I have carefully studied every item of the records and the tradition and believe that Burckhardt was the designer of the Seal and that the work was done as outlined above.

But other men have been suggested as designers of the seal.

Mr. Perry Rader makes a list of conjectures in his article on the seal in the Missouri Historical Review.<sup>74</sup> After briefly tracing the steps of the seal bill to the committee of the whole he says: "During the eight days it was there pending 'sundry amendments' were added, and upon the theory that the bill was pending in the committee of the whole he makes a whole group of the most astonishing conjectures. He seems to have tried to get every man whose name has ever been mentioned in connection with the seal into this list of conjectures and give him a part in designing the seal.

73 Senate Journal, First General Assembly, Second Session, p. 17.

74 Missouri Historical Review, April 1929, p. 453.

He accepts the Burckhardt tradition so far as the framework of the bill is concerned and says, "I would attribute the framework of the law--the bill reported by the select committee to George F. Burckhardt; the bears, the azure sky and silver crescent to William H. Ashley; the Latin motto and such words as or, argent, dexter, sinister, and proper to Judge Tucker; the inscription 'united we stand divided we fall', which originated in Pennsylvania, to Governor McNair, who was a Pennsylvanian by birth and breeding; the arms of the United States to Henry S. Geyer; the helmet, the ascending star, and the constellation of smaller stars and the clouds to M. P. Le Duc; and my further conjecture would be that William G. Pettus and Henry S. Geyer with the aid of these other gentlemen, during the eight days the bill was in the hands of the committee of the whole, whipped it into its final form."<sup>75</sup>

The above is the most highly imaginative and astounding bit of conjecturing I have ever seen from the hand of the writer of a Historical article. Mr. Rader attributes the framework to Burckhardt but before he gets through he attributes every single item in the law to someone else and all on the theory that the bill was in the hands of the committee of the whole eight days.

Now the facts are, according to the record,<sup>76</sup> that the committee did not present the bill until December 31, 1821. The same day the senate

<sup>75</sup> Missouri Historical Review, April 1929, p. 453.

<sup>76</sup> House Journal, pp. 150 to 184.

sent a communication "relative to adjournment" which the House tabled. This shows the session was near the end. The House was busy with all kinds of bills, such as the formation of new counties, school lands, Salt Springs, levying and assessing taxes, memorials to congress, regulating the militis, the permanent seal of government, and many other bills in which the members took much greater interest than in the seal bill.<sup>77</sup>

It was eight days before the House ever resolved itself into the committee of the whole for the consideration of the seal bill. Then it was on motion of Mr. Harris for the consideration of two bills. The seal bill and the Loan Office bill. The House Journal<sup>78</sup> says, "after some time spent therein, the committee rose, and reported said bills with sundry amendments which were agreed to." Mr. Rader in quoting this statement from the Journal in his article in the Missouri Historical Review, April 1929, page 458 quotes it "said bill" instead of "said bills" and up on that erroneous quotation states that sundry amendments were made to the seal bill. The facts are as the House Journal, page 184, clearly shows both bills were reported together and the sundry amendments may have all been attached to the Loan Office bill which the members would understand better and be more likely to want to amend.

The House could not have been in committee of the whole very long because they did a number of other things that day. The next day they passed the seal bill which had been engrossed, sent it to the senate and

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77 House Journal, p. 153

78 Ibid, p. 184.



the senate passed it the same day. But upon the theory that the bill was in the committee eight days, and the erroneous quotation Mr. Rader conjectures all these amendments. Let us examine his conjectures. To Ashley he attributes "the bears, the azure sky and the crescent" apparently upon the fact that Ashley engaged in the fur trade.<sup>79</sup> But Ashley had not at the time the state seal was designed been up the Missouri River. On the other hand Burckhardt lived on the frontier and had a brother Hough Burckhardt who was a famous hunter and Indian fighter and had been up the Missouri River to the home of the grizzly bear. It is reasonable to suppose that Burckhardt knew more about the grizzly bear of Missouri at the time the seal was designed than did Ashley.

The Latin Mr. Rader attributes to Judge Tucker presumably because Tucker was a classical scholar, but Burckhardt was noted for being a classical scholar and especially interested in heraldry. The language of the seal was the language of Heraldry rather than the Latin of Law, in which Judge Tucker was especially versed.

Mr. Rader attributes the motto "United we stand, divided we fall" to Governor McNair because McNair was born in Pennsylvania and this expression originated in Pennsylvania about the time of the birth of McNair.<sup>80</sup> That is true but the expression was used in Pennsylvania in a song. But it is also true that "United we stand, divided we fall" was the motto on the state seal

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<sup>79</sup> Missouri Historical Review, April 1929, p. 456.

<sup>80</sup> Ibid, January 1929, p. 284.

of Kentucky, and that George Frederick Burckhardt was a resident of Kentucky for years before coming to Missouri and that he served as Sergeant-major in the Kentucky forces during the war of 1812 and doubtless had many occasions to use the Kentucky seal. If in designing the seal he copied that much from the Kentucky Seal he would be doing as most Missourians of that time did-- copying from Kentucky.

Mr. Rader attributes the arms of the United States to Henry S. Geyer because he was speaker of the House and must have contributed something. The fact that he was speaker and would be very busy in the closing days of the session dealing with pressing measures of all kinds is a very good reason why he would leave the seal business to someone else; besides, Geyer had had his try at producing a seal at the previous session and his "close-armed-cock" was rejected. He was probably glad to forget the seal as there had been much opposition to his rooster, probably accompanied by ridicule.

Mr. Rader attributes the ascending star, the constellation of smaller stars, and the cloud to M. P. Le Duc, why I have not been able to discover from his article. But the ascending star and the twenty-three smaller stars, the one representing Missouri, and the others the twenty-three states of the Union when Missouri was admitted is a very appropriate device and might have been worked out by Mr. Burckhardt during the year he had to consider the seal.

Mr. Rader also says that Mr. Pettus must have had something to do with the designing of the seal because he was secretary of state.<sup>81</sup> As secretary of State, Mr. Pettus doubtless did direct the designing of the metallic seal in accordance with the terms of the seal statute, that work would be sufficient to account for any tradition in the Pettus family that Mr. Pettus was the designer of the seal.

There is one other claim to the authorship of the seal law that should be mentioned.

Mr. Louis Houck in his history of Missouri, speaking of the seal, says, "It is not now known who suggested these arms for Missouri. If allowed to conjecture I would attribute the idea they convey to Judge Nathaniel Beverly Tucker, who we know was at that time one of the most learned and accomplished residents of Missouri and perhaps wrote this explanation of the heraldic meaning. He was, too, a pronounced advocate of the rights of states, an idea that seems to pervade the entire armorial bearing of Missouri."<sup>82</sup>

Mr. Houck's history was published in 1908, two years after the publication of the Burckhardt tradition in the papers of central Missouri.

Most of the statements referring to Judge Tucker appear after 1908 and probably came from Houck.

However, recently I secured a copy of a statement taken from a sketch of the life of Judge Tucker written by the late Judge John Megown of Ralls

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81 Missouri Historical Review, April 1929, p. 455.

82 Houck, History of Missouri, Volume III, p. 270.

County, Missouri. I do not think the article has appeared in print. Judge Megown died in 1902. His son, Mr. Benton B. Megown, says he is positive the biography of Judge Tucker written by his father was written in the eighty's.

Judge Megown's statement concerning the seal is as follows: "It is an historical tradition, that Judge Tucker was the author and designer of the Great Seal of the State of Missouri. I have no doubt, from the information I have been able to gather, that Mr. Tucker with the assistance of John Rice Jones gave to Missouri the wonderful and impressive seal."--after discussing the scholarship of Jones and Tucker, Mr. Megown continues, "He (Tucker) was also a pronounced advocate of states rights--and that idea pervades the entire design."

The above statement was written about twenty years before Houck's history was published. The tradition which Judge Megown here records appears to have been the source of Mr. Houck's conjecture. The same reason (that Tucker was a states rights man and that this idea pervades the design) is given in both cases.

It seems to me that the reason given indicates that the tradition here given and repeated as a conjecture by Mr. Houck, indicates that the tradition is based upon an error and must have grown up years after the Judge Tucker left Missouri and went back to Virginia.

Both the tradition and the conjecture of Mr. Houck bases the statement that Judge Tucker designed the seal on the fact that Tucker was a states right man and that the idea of states rights "pervades" the whole design.

As a matter of fact the Missouri seal was designed eight or ten years before the question of states rights was a political issue. It is true that Judge Tucker was later a states rights man and a follower of Calhoun. But at the time the seal was designed Calhoun himself was a strong nationalist.

The second error is in assuming that the idea of states rights as later understood pervades the design.

The explanation very likely written by the man who designed the seal explains that "the arms of the State of Missouri and the United States, impaled together, yet separated by a pole denote the connection existing between the two governments, and show that although connected by a compact yet we are independent as to internal concerns. The words surrounding the shield denote the necessity of Union." No stronger statement of the necessity for union could be made than these words, "United we stand, divided we fall."

The author of the explanation further points out that the ascending star indicates joining the Union, and that the bears support the arms of the United States the same as they do the arms of Missouri, which denotes that we support both ourselves and the general government.

It seems to me that instead of the design or the explanation indicating "states rights", in the sense that Calhoun and Tucker later came to advocate, the whole armorial bearing is shot through with the strongest union sentiment so well expressed in the words "United we stand divided we fall" and that a fair interpretation of the explanation carries out this same idea.

I have given as complete an account as possible of the Tucker tradition because in my judgement it is the only one worth considering as a rival of the Burckhardt tradition.

While I have found the Tucker tradition recorded in writing some twenty years earlier than I have been able so far to trace the recording in writing of the Burckhardt tradition, that record was made more than half a century after the event.

I have shown that it is based on two theories which are erroneous. First that Judge Tucker was a states rights man at the time the seal was devised, which was ten years before nullification and the theory of states rights became an issue. Second, the Tucker theory is based on the assertion that the whole design of the seal is pervaded by the idea of states rights, but the facts are, as both the words and design show, that the state seal strongly sets forth the sentiment of Union.

On the other hand, while I have not been able to find the Burckhardt tradition reduced to writing or print before 1906, the documentary facts of record fit in admirably with the tradition; the fact that the tradition existed more than half a century ago is vouched for by numerous persons, the testimony of some of whom I have given you; and in addition, there are persons now living, one of whom is present here, who testify that they heard George Frederick Burckhardt tell of designing the seal.

Undoubtedly the seal was designed by some one person, not a member of the legislature. The law and explanation were written by the same man



and in my opinion, arrived at after a careful study of all the facts now attainable, that man was George Frederick Burckhardt.